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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,993	11/15/2001	Michael Turner	M-12396 US	9456
22434	7590	04/06/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778			MALDONADO, JULIO J	
			ART UNIT	PAPER NUMBER
			2823	

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/998,993

Applicant(s)

TURNER ET AL.

Examiner

Julio J. Maldonado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-25 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-10 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Jost et al. (U.S. 6,596,641 B1).

In reference to claim 1, Jost et al. (Figs.1-7) in a process to form high aspect ratio holes teach a related method for depositing a doped silicon dioxide layer (20, 22, 24) onto a wafer (12) including introducing a dopant precursor gas having a dopant precursor gas flow rate and a silicon-containing gas having a silicon-containing gas flow rate into a plasma, wherein a ratio of the dopant precursor gas flow rate to the silicon-containing gas flow rate has an initial value; increasing the ratio from the initial value to a final value during an initial period; and maintaining the ratio at the final value during a final period, wherein during the initial period and the final period the dopant precursor gas and the silicon-containing precursor gas react in the plasma to form the doped silicon dioxide layer (20, 22, 24) on the wafer (12) (column 4, line 1 – column 7, line 3).

In reference to claim 2, Jost et al. teach wherein a portion of the doped silicon dioxide layer deposited during the initial period has about the same dopant

concentration as a portion of the doped silicon dioxide layer deposited during the final period column 6, lines 15 – 22, and column 7, lines 1 – 3).

In reference to claim 3, Jost et al. teach etching one or more contact holes through the doped silicon dioxide layer, wherein the one or more contact holes have straight sidewalls (Jost et al., Fig.6).

In reference to claim 6, Jost et al. teach wherein increasing the ratio from the initial value to the final value comprises dividing the initial period into a number of increments; and increasing the ratio by an intermediate value at each increment (column 4, lines 50 – 64 and column 6, line 15 – column 7, line 3).

In reference to claim 8, Jost et al. teach preheating the wafer to a preheat temperature (column 5, lines 18 – 60).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jost et al. ('641 B1) in view of Lin et al. (U.S. 6,100,202).

Jost et al. (Figs.1-7) in a process to form high aspect ratio holes teach a related method for depositing a doped silicon dioxide layer (20, 22, 24) onto a wafer (12) including introducing a dopant precursor gas having a dopant precursor gas flow rate and a silicon-containing gas having a silicon-containing gas flow rate into a plasma,

wherein a ratio of the dopant precursor gas flow rate to the silicon-containing gas flow rate has an initial value; increasing the ratio from the initial value to a final value during an initial period; and maintaining the ratio at the final value during a final period, wherein during the initial period and the final period the dopant precursor gas and the silicon-containing precursor gas react in the plasma to form the doped silicon dioxide layer (20, 22, 24) on the wafer (12), and wherein the wafer is preheated at a temperature of about 530°C (column 4, line 1 – column 7, line 3).

However, Jost et al. fail to teach the steps of providing a dopant precursor gas comprising phosphine ( $\text{PH}_3$ ) or diborane ( $\text{B}_2\text{H}_6$ ) and a silicon-containing precursor gas comprising silane ( $\text{SiH}_4$ ). However, Lin et al. (Figs.3-7) in a related method to deposit a layer of doped silicon dioxide (44) teach the steps of providing a dopant precursor gas comprising phosphine ( $\text{PH}_3$ ) and diborane ( $\text{B}_2\text{H}_6$ ) and a silicon-containing precursor gas comprising silane ( $\text{SiH}_4$ ); and applying plasma conditions on the precursor gases (column 8, lines 18-39 and column 9, lines 10-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use phosphine or diborane as precursor gases under plasma conditions as taught by Lin et al. in the silicon dioxide formation method of Jost et al., since it would avoid voids in the oxide layer during an etching process (column 5, lines 51-57).

The combined teachings of Jost et al. and Lin et al. fail to teach wherein the preheat temperature is 350°C, the initial value of the ratio is about 0.49, and the final value of the ratio is about 0.77. However, the selection of the claimed ranges is obvious because it is a matter of determining optimum process condition by routine.

experimentation with a limited number of species to achieve a desired hole shape in said doped oxide layer. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable using the above-mentioned ranges to arrive at the claimed invention.

***Allowable Subject Matter***

5. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 11-25 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter:

Jost et al. (Figs.1-7) in a related deposition process teach a method for depositing a doped silicon dioxide layer (20, 22, 24) onto a wafer (12) including introducing a dopant precursor gas having a dopant precursor gas flow rate and a silicon-containing gas having a silicon-containing gas flow rate into a plasma, wherein a ratio of the dopant precursor gas flow rate to the silicon-containing gas flow rate has an initial value; increasing the ratio from the initial value to a final value during an initial period; and maintaining the ratio at the final value during a final period, wherein during the initial period and the final period the dopant precursor gas and the silicon-containing precursor gas react in the plasma to form the doped silicon dioxide layer (20, 22, 24) on the wafer (12), and wherein the wafer is preheated at a temperature of about 530°C (column 4, line 1 – column 7, line 3).

However, Jost et al. fail to teach adjusting a ratio of the dopant precursor gas flow rate and the silicon-containing gas flow rate as a function of wafer temperature; determining a duration of the initial period by measuring a temperature of the wafer during a test deposition of a doped silicon dioxide layer, wherein the duration is the time required for the temperature to reach an essentially constant value; measuring a concentration of dopant incorporated into a portion of a silicon dioxide layer as a function of the ratio for a first series of test depositions performed at a constant temperature; repeating the measurement of dopant concentration for a second series of test depositions performed at a different constant temperature; and measuring a temperature profile of the wafer during a third test deposition wherein the temperature is not held constant, whereby the initial value of the ratio is determined.

### ***Response to Arguments***

8. Applicant's arguments filed 01/16/2004 have been fully considered but they are not persuasive.

Applicants argue that Jost teaches away from using a plasma deposition process. In response to this argument, Jost teaches performing a deposition process "preferably a subatmospheric chemical vapor deposition reactor, and preferably not a plasma enhanced chemical vapor deposition reactor" (Jost, column 4, lines 29 – 32). Therefore, although not taught as a preferred embodiment, Jost teaches this embodiment nonetheless, and disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or nonpreferred embodiments. In re Susi, 169 USPQ 423 (CCPA 1971). "A known or obvious composition does not

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become patentable simply because it has been described as somewhat inferior to some other product for the same use." In re Gurley, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994). A reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. Merck & Co. v. Biocraft Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989). Even a teaching away from a claimed invention does not render the invention patentable. See Celeritas Technologies Ltd. v. Rockwell International Corp., 150 F.3d 1354, 1361, 47 USPQ2d 1516, 1522-23 (Fed. Cir. 1998), where the court held that the prior art anticipated the claims even though it taught away from the claimed invention. "The fact that a modem with a single carrier data signal is shown to be less than optimal does not vitiate the fact that it is disclosed." To further clarify, a prior art opinion that a claimed invention is not preferred for a particular limited purpose, does not preclude utility of the invention for that or another purpose, or even preferability of the invention for another purpose.

Also, applicants argue, "...Jost does not teach increasing a ratio of a dopant precursor gas flow rate to a silicon-containing gas flow rate during an initial deposition period...". In response to this argument, Jost teaches forming a doped silicon oxide layer (20, 22, 24) comprising borophosphosilicate glass having a lower part (20, 22) and an upper part (24), wherein the lower part is has a concentration of boron and phosphorous dopants of about 0%-4% and 6%-24% by weight, respectively, the rest being SiO<sub>2</sub>; and wherein the upper part has a concentration of boron and phosphorus of 3.8% and 7.6% by weight, respectively, the rest being SiO<sub>2</sub> (column 6, lines 15 – 23 and



column 7, lines 1 – 3). Therefore, Jost is open to encompass a process including “increasing a ratio of a dopant precursor gas flow rate to a silicon-containing gas flow rate during an initial deposition period” as argued.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is 571-272-2800. See MPEP 203.08.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Julio J. Maldonado whose telephone number is (571) 272-1864. The examiner can normally be reached on Monday through Friday.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri, can be reached on (571) 272-1855. The fax number for this


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group is 703-872-9306 for before final submissions, 703-872-9306 for after final submissions and the customer service number for group 2800 is (703) 306-3329.

Updates can be found at <http://www.uspto.gov/web/info/2800.htm>.

Julio J. Maldonado  
Patent Examiner  
Art Unit 2823

Julio J. Maldonado  
April 2, 2004

  
George Fourson  
Primary Examiner